

From: [Moran, Gloria-Small](#)
To: [Richard Bergner](#)
Cc: swilson@lazarusenergy.com; [Steve Wilson \(swilsonwse@gmail.com\)](mailto:Steve Wilson (swilsonwse@gmail.com)); [Jonathan Carroll](#); [Arredondo, Alonzo](#); [Moran, Gloria-Small](#); [Moore, Gary](#)
Subject: Re: Falcon Refinery - Status of Compliance Requested
Date: Wednesday, February 06, 2013 5:05:14 PM

Mr. Bergner:

The progress of the removal action at the Falcon Refinery site is unacceptable. As you will note in the email below from OSC Gary Moore, there are serious lapses in the performance of the removal action at the site. Because of this failure to proceed in a satisfactory manner, OSC Moore is contemplating triggering a written declaration of default by the Superfund Division Director. EPA will then re-issue a Work Takeover of the remaining work at the site.

EPA understands that there is on-going business operations at the site. Please know that should EPA perform the remaining removal activities, the business operation of the site cannot interfere with the removal work. Also, please note that with the resumption of the RI/FS work by EPA on the site, likely contemporaneously to the EPA removal work, if a default is declared, the business operation of the site must not interfere with either removal or remedial action by the EPA.

Please note, in particular, the April 1, 2013 deadline in the email below. The lapses must be rectified. Please respond to this email no later than Friday, February 8, 2013 with your answer as to whether compliance can be expected.

Thank you,

Gloria Moran

Assistant Regional Counsel

Superfund Branch (6RC-S)

U.S.EPA, Region 6

1445 Ross Avenue

Dallas TX 75202-2733

214-665-3193

214-665-6460 (fax)

moran.gloria-small@epamail.epa.gov

From: Gary Moore/R6/USEPA/US

To: "swilson@lazarusenergy.com" <swilson@lazarusenergy.com>, "Steve Wilson (swilsonwse@gmail.com)" <swilsonwse@gmail.com>, "Jonathan Carroll" <jcarroll@lazarusenergy.com>



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Cc: "Arredondo, Alonzo" <AArredondo@trcsolutions.com>, "Gloria Moran-Small" <moran.gloria-small@epa.gov>

Date: 02/06/2013 03:11 PM

Subject: Falcon Refinery

Jonathan/Steve:

I have not received the weekly report for the week ending February 1, nor have I received the daily reports for February 4 and 5. These issues have become systemic and will not continue to be tolerated. Additionally, the lack of consistent action to address the site is of serious concern. The failure to begin irrigating treated water or otherwise dispose of such water by April 1, 2013 will result in my request to my management chain that EPA Take-Over the removal action on the Site. It is important that immediate and consistent action be taken to make substantial progress on completing the cleanup on the site.

Thanks

Gary Moore

Federal On-Scene Coordinator

EPA Region 6

Cell: 214-789-1627

Work: 214-665-6609

email: moore.gary@epa.gov